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In re Application of
Kjell-owe Hjerth et al.
Application No. 10/708,590
Filed: March 12, 2004
Attorney Docket No. 7589.160.PCUS00

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition filed September 19, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on June 28, 2006 for failure to timely a response to the non-Final Office Action mailed March 27, 2006. A three (3) month period for reply was set. Accordingly, a Notice of Abandonment was mailed on February 1, 2007.

Petitioner asserts that a proper response in the form of an amendment with a three month extension of time was filed on September 27, 2006. Submitted as proof is a copy of the response said to have been filed on September 27, 2006.

A search of the application file and the USPTO records reveals that in fact, an amendment and three month extension of time were timely filed with a September 27, 2006 certificate of mail date but with a receipt date of November 13, 2006, and are of record.

Accordingly, the Notice of Abandonment mailed February 1, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged. The claims fees and extension of time fee have been properly charged to petitioner's credit card.

This matter is being referred to Technology Center 3683 for treatment of the response filed November 13, 2006 with a September 27, 2006 certificate of mail date).

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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